

5160-12-03.1 **Non-agency nurses and otherwise-accredited agencies:
qualifications and requirements.**

- (A) "Non-agency nurses" and "otherwise-accredited agencies" who meet the qualifications and requirements of this rule can provide private duty nursing (PDN) in accordance with rule 5160-12-02 of the Administrative Code.
- (B) A "non-agency nurse" that meets the requirements in accordance with this rule is eligible to participate in the Ohio medicaid program upon execution of a provider agreement in accordance with rule 5160-1-17.2 of the Administrative Code. A non-agency nurse is required to:
- (1) Be a registered nurse or licensed practical nurse at the direction of a registered nurse practicing within the scope of his or her nursing license pursuant to Chapter 4723. of the Revised Code as an independent provider.
 - (2) Comply with the requirements of a medicare certified home health agency in accordance to rule 5160-12-03 of the Administrative Code except for paragraphs (A), (B)(1) and (B)(6) of rule 5160-12-03 of the Administrative Code.
 - (3) Not be the parent, step-parent, foster parent or legal guardian of an individual who is under eighteen years of age, or the individual's spouse.
 - (4) Meet all conditions of participation in paragraphs (C) and (D) of rule 5160-45-10 of the Administrative Code.
 - (5) Comply with all federal, state and local laws and regulations as applicable.
- (C) "Otherwise-accredited agency" means an agency that has and maintains accreditation by a national accreditation organization for the provision of home health services, private duty nursing, personal care services and support services, and that has executed a medicaid provider agreement in accordance with rule 5160-1-17.2 of the Administrative Code. The accreditation shall be granted by a national accreditation organization approved by the centers for medicare and medicaid services (CMS), which may include but is not limited to, one of the following: the accreditation commission for health care (ACHC), the community health accreditation program (CHAP) and the joint commission. Completion of reaccreditations is suspended during the COVID-19 emergency.
- (D) Providers of PDN services who are also providers of waiver services to an individual enrolled on a home and community based services (HCBS) waiver must comply with all applicable requirements including those set forth by the HCBS waiver rule(s).

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Certification

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Date

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